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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/747,817

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Naruhide Kitada

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EXAMINER

KASSA, HILINA S

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/747,817	Applicant(s) KITADA ET AL.	
	Examiner HILINA S. KASSA	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/13/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/08/2008 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 11/13/2008 is being considered by the examiner.

Response to Arguments

3. Applicant's arguments filed 12/08/2008 have been fully considered but they are not persuasive.

Applicant argues on page 5 column 2 that in Owa's configuration, a printer state management table may be not updated with the latest server according to the claimed invention.

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However, with respect to Applicant's remarks, Examiner would like to point that the claimed invention does not specify on updating the latest information in the print management server. The amended limitation of the claim is taught by Owa as such "receives print job acquisition requests from idle ones of the plurality of printers". **In figure 6, once the printer execution command is passed, the basic information on printers, printer selection conditions and user print conditions are set. Amongst the plurality of printers, the appropriate printer is selected to process the print job. Thus, the as stated in column 5, line 64-column 6, line 1, it is clear that the output destination printer selection section checks whether one or more printers satisfy the user print conditions.**

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa et al. (US Patent Number 6,348,971 B2) in view of Morikawa et al. (US Patent Number 7,027,169 B1).

Regarding claim 33:

As shown in figure 1, Owa et al. disclose a distributed print management server **(3, figure 1)** that is connected to a plurality of printers **(2a-2d, figure1)** through a network **(4, figure 1)**, divides print data into a plurality of print jobs and stores the print jobs **(column 8, lines 17-23; note that the generated print data which is also divided into print page and get stored in the management table)**, wherein:

said distributed print management server:

identifies one of the plurality of print jobs as one print job to be printed **(column 8, lines 23-25; note that the printer selection means selects the appropriate printer based upon user information)**;

broadcasts a print start notification to all printer **(column 8, lines 30-38; note that when a document print command is entered, the user information selection means selects the appropriate printer for the specified print data)**;

receives print job acquisition requests from idle ones of the plurality of printers **(column 5, line 64-column 6, line 1; note that the output destination checks whether one or more printers satisfy the user print conditions)**;

selects one printer from among the plurality of printers that have issued the print job acquisition requests, the one printer being most appropriate for the one print job based on printing capabilities **(column 8, lines 39-44; note that the appropriate printer gets selected amongst other printers based on the capabilities i.e. color or monochrome)** and status information of the plurality of printers **(column 8, lines 39-58; note that the printer gets selected based on the status or state)**; and

assigns the one print job to the one printer by sending print data of the one print job to the one printer (**column 8, lines 46-48; note that based on the selection the print page is converted into print data so that its it printed at an appropriate**).

Owa et al. discloses all of the subject matter as described as above except for specifically teaching sending print wait notification to other printers of the plurality of printers.

However, as shown in figure 6A, Morikawa et al. discloses sending print wait notification to other printers of the plurality of printers (**column 5, lines 52-58; note that as the optimum or managing printer is selected to process the print job, a message is sent to the other non-selected printers to inform that the job is being processed at the selected managing printer**).

Owa et al. and Morikawa et al. are combinable because they are from the same field of endeavor i.e. distributing network printing. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to send print wait notification to other printers of the plurality of printers. The suggestion/motivation for doing so would have been to efficiently distribute print jobs. Therefore, it would have been obvious to combine Owa et al. with Morikawa et al. to obtain the invention as specified in claim 33.

6. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa et al. (US Patent Number 6,348,971 B2) and Morikawa et al. (US Patent Number 7,027,169 B1), and further in view of Fertlitsch et al. (US Publication Number 2002/0089691 A1).

Regarding claim 34:

Owa et al. and Morikawa et al. disclose all of the subject matter as described as above except for specifically teaching wherein the distributed print management server selects the one printer from among the plurality of printers based on which print can complete the print job in a shortest time from warm-up.

However, Fertlitsch et al. disclose wherein the distributed print management server selects the one printer from among the plurality of printers based on which print can complete the print job in a shortest time from warm-up (**paragraph [0123], lines 1-3; note that a preference is given to a printer by taking account the warm up cycles**).

Owa et al., Morikawa et al. and Fertlitsch et al. are combinable because they are from the same field of endeavor i.e. distributing network printing. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art wherein the distributed print management server selects the one printer from among the plurality of printers based on which print can complete the print job in a shortest time from warm-up. The suggestion/motivation for doing so would have been to conserve energy and time by using a printer which has been just used instead of using another printer and waste energy and time to warm it up. Therefore, it would have been obvious to combine Owa et al. with Morikawa et al. to obtain the invention as specified in claim 34.

Conclusion

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7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Hilina Kassa whose telephone number is (571) 270-1676.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore could be reached at (571) 272- 7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pari-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hilina S Kassa/

Examiner, Art Unit 2625

January 2, 2009

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625